

AMENDED IN ASSEMBLY APRIL 13, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1942

Introduced by Assembly Member Cristina Garcia

February 12, 2016

An act to ~~add Section 2810.7 to the Labor Code, relating to employment; amend Section 52.6 of the Civil Code, relating to human trafficking.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1942, as amended, Cristina Garcia. ~~Employment: human~~ *Human trafficking recognition and reporting: training: hotels and motels.*

~~Existing law establishes the Division of Labor Standards Enforcement in the Department of Industrial Relations for the enforcement of labor laws, and establishes certain obligations on an employer, including requiring an employer to post specified wage and hour information in a location where it can be viewed by employees; requires certain business establishments to post a notice in a conspicuous place, as specified, regarding human trafficking. Existing law prescribes a civil penalty for a failure to comply with these requirements of \$500 for a first offense and \$1,000 for each subsequent offense. Under existing law, any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services is guilty of the crime of human trafficking.~~

This bill would require a hotel or motel that provides lodging services in the state to train ~~its employees; employees~~ who are likely to interact or come into contact with victims of human ~~trafficking; trafficking~~ in recognizing the signs of human trafficking and how to report those signs to the appropriate law enforcement agency, as specified. The bill would

require that, by January 1, 2018, the training be incorporated into the initial training process for all new employees and that ~~all existing~~ employees who do not receive an initial training also receive the training. *The bill would require the Department of Justice to, by July 1, 2017, develop guidelines for the training and to post them on its Internet Web site. The bill would define an offense in this context, with regard to the civil penalty provisions described above.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 52.6 of the Civil Code is amended to read:
2 52.6. (a) Each of the following businesses and other
3 establishments shall, upon the availability of the model notice
4 described in subdivision (d), post a notice that complies with the
5 requirements of this section in a conspicuous place near the public
6 entrance of the establishment or in another conspicuous location
7 in clear view of the public and employees where similar notices
8 are customarily posted:
9 (1) On-sale general public premises licensees under the
10 Alcoholic Beverage Control Act (Division 9 (commencing with
11 Section 23000) of the Business and Professions Code).
12 (2) Adult or sexually oriented businesses, as defined in
13 subdivision (a) of Section 318.5 of the Penal Code.
14 (3) Primary airports, as defined in Section 47102(16) of Title
15 49 of the United States Code.
16 (4) Intercity passenger rail or light rail stations.
17 (5) Bus stations.
18 (6) Truck stops. For purposes of this section, “truck stop” means
19 a privately owned and operated facility that provides food, fuel,
20 shower or other sanitary facilities, and lawful overnight truck
21 parking.
22 (7) Emergency rooms within general acute care hospitals.
23 (8) Urgent care centers.
24 (9) Farm labor contractors, as defined in subdivision (b) of
25 Section 1682 of the Labor Code.
26 (10) Privately operated job recruitment centers.
27 (11) Roadside rest areas.

1 (12) Businesses or establishments that offer massage or
2 bodywork services for compensation and are not described in
3 paragraph (1) of subdivision (b) of Section 4612 of the Business
4 and Professions Code.

5 (b) The notice to be posted pursuant to subdivision (a) shall be
6 at least eight and one-half inches by 11 inches in size, written in
7 a 16-point font, and shall state the following:

8
9 “If you or someone you know is being forced to engage in any activity and
10 cannot leave—whether it is commercial sex, housework, farm work,
11 construction, factory, retail, or restaurant work, or any other activity—call the
12 National Human Trafficking Resource Center at 1-888-373-7888 or the
13 California Coalition to Abolish Slavery and Trafficking (CAST) at
14 1-888-KEY-2-FRE(EDOM) or 1-888-539-2373 to access help and services.
15

16 Victims of slavery and human trafficking are protected under United States
17 and California law.
18

19 The hotlines are:

- 20 · Available 24 hours a day, 7 days a week.
21 · Toll-free.
22 · Operated by nonprofit, nongovernmental organizations.
23 · Anonymous and confidential.
24 · Accessible in more than 160 languages.
25 · Able to provide help, referral to services, training, and general information.”
26

27 (c) The notice to be posted pursuant to subdivision (a) shall be
28 printed in English, Spanish, and in one other language that is the
29 most widely spoken language in the county where the establishment
30 is located and for which translation is mandated by the federal
31 Voting Rights Act (42 U.S.C. Sec. 1973 et seq.), as applicable.
32 This section does not require a business or other establishment in
33 a county where a language other than English or Spanish is the
34 most widely spoken language to print the notice in more than one
35 language in addition to English and Spanish.

36 (d) On or before April 1, 2013, the Department of Justice shall
37 develop a model notice that complies with the requirements of this
38 section and make the model notice available for download on the
39 department’s Internet Web site.

(e) A business or establishment that fails to comply with the requirements of this section is liable for a civil penalty of five hundred dollars (\$500) for a first offense and one thousand dollars (\$1,000) for each subsequent offense. A government entity identified in Section 17204 of the Business and Professions Code may bring an action to impose a civil penalty pursuant to this subdivision against a business or establishment if a local or state agency with authority to regulate that business or establishment has satisfied both of the following:

(1) Provided the business or establishment with reasonable notice of noncompliance, which informs the business or establishment that it is subject to a civil penalty if it does not correct the violation within 30 days from the date the notice is sent to the business or establishment.

(2) Verified that the violation was not corrected within the 30-day period described in paragraph (1).

(f) (1) A hotel or motel that provides lodging services in the state shall train its employees who are likely to interact or come into contact with victims of human trafficking in recognizing the signs of human trafficking and how to report those signs to the appropriate law enforcement agency. The training shall follow the Department of Justice guidelines established pursuant to paragraph (2).

(2) By July 1, 2017, the Department of Justice shall develop guidelines for training employees to be used by a hotel or motel described in paragraph (1) and shall post them on its Internet Web site. The guidelines shall include, but are not limited to, all of the following:

(A) An overview of human trafficking, including the experience of its victims, how and why it takes place in the hospitality industry, and how it is defined under state and federal law.

(B) How to identify signs of human trafficking.

(C) How to report signs and incidences of human trafficking.

(D) The risks human trafficking can pose to the hotel or motel.

(3) By January 1, 2018, the training required by paragraph (1):

(A) Shall be incorporated into the initial training process for all new employees who are likely to interact or come into contact with victims of human trafficking.

1 (B) Shall be given to all employees who did not receive an initial
2 training required by subparagraph (A) and who are likely to
3 interact or come into contact with victims of human trafficking.

4 (4) For the purposes of the training requirements of this
5 subdivision, “offense” means each incident identified in the notice
6 of noncompliance issued to an employer or business by a
7 government entity without reference to any particular number of
8 employees involved.

9 ~~SECTION 1. Section 2810.7 is added to the Labor Code, to~~
10 ~~read:~~

11 ~~2810.7. (a) A hotel or motel that provides lodging services in~~
12 ~~the state shall train its employees, who are likely to interact or~~
13 ~~come into contact with victims of human trafficking, in recognizing~~
14 ~~the signs of human trafficking and how to report those signs to the~~
15 ~~appropriate law enforcement agency.~~

16 ~~(b) The training shall include, but not be limited to, all of the~~
17 ~~following:~~

18 ~~(1) An overview of human trafficking, including the experience~~
19 ~~of its victims, how and why it takes place in the hospitality~~
20 ~~industry, and how it is defined under state and federal law.~~

21 ~~(2) How to identify signs of human trafficking.~~

22 ~~(3) How to report signs and incidences of human trafficking.~~

23 ~~(4) The risks human trafficking can pose to the hotel or motel.~~

24 ~~(c) By January 1, 2018, the training required by this section~~
25 ~~shall be incorporated into the initial training process for all new~~
26 ~~employees who are likely to interact or come into contact with~~
27 ~~victims of human trafficking.~~

28 ~~(d) By January 1, 2018, the training required by this section~~
29 ~~shall be given to all existing employees who are likely to interact~~
30 ~~or come into contact with victims of human trafficking.~~